

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

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In re:

Case No. 8:18-bk-05676-RCT
Chapter 13

FRANK MARINO QUAGLIA

Debtor.¹

**TRUSTEE'S MOTION TO DISMISS CASE FOR FAILURE TO COMPLY
WITH THE COURT'S ADMINISTRATIVE ORDER, AND NOTICE OF HEARING**

A preliminary hearing in this case will be held on September 12, 2018 at 9:30 a.m. in Courtroom 9B before the Honorable Roberta A. Colton, United States Bankruptcy Judge, at Sam M. Gibbons United States Courthouse, 801 North Florida Avenue, Tampa, Florida 33602 to consider and act upon this matter.

Kelly Remick, Chapter 13 Standing Trustee, hereby moves for the entry of an order dismissing this case, and in support thereof states the following:

1. The Debtor's Petition for Relief under Chapter 13 of the Bankruptcy Code was filed on July 10, 2018 and a Section 341 Meeting of Creditors was scheduled for August 7, 2018.
2. The Debtor has failed to comply with the Court's Administrative Order docketed on July 11, 2018 (Doc. No. 4).
3. The Debtor failed to provide to the Chapter 13 Standing Trustee, at least seven (7) days prior to the Section 341 Meeting of Creditors, copies of all pay stubs, advices or documentation of income sources ("payment advices") for the six month period ending on the last day of the month preceding the month of the petition date.

¹ All references to "Debtor" shall include and refer to both of Debtors in a case filed jointly by two individuals.

4. The Debtor failed to provide to the Chapter 13 Standing Trustee, at least seven (7) days prior to the Section 341 Meeting of Creditors, copies of tax returns for the two years preceding the petition date.

5. The Debtor has made no plan payments to the Chapter 13 Standing Trustee.

6. The Debtor's Plan, Schedules A-J, Statement of Financial Affairs, Form B 122C-1 and Form 2030 were filed less than seven (7) days prior to the scheduled §341 Meeting of Creditors.

WHEREFORE, the Trustee respectfully requests that the Court enter an order dismissing this case, together with such other and further relief as the Court deems just and proper.

I HEREBY CERTIFY that a true and correct copy of the foregoing Trustee's Motion to Dismiss and Notice of Hearing was furnished, electronically by CM/ECF and/or by U.S. Mail, to FRANK MARINO QUAGLIA, 28529 Seashell Court, Wesley Chapel, Florida 33545; DAVID W. STEEN, P.A., 2901 West Busch Boulevard, Suite 311, Tampa, Florida 33618; U.S. TRUSTEE, 501 East Polk Street, Suite 1200, Tampa, Florida 33602, on this 9th day of August, 2018.

/s/ Mara B. Mandell, Esquire
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